

REMARKS

Claims 1-22 are pending in this application. By this Amendment, claims 1 and 10 are amended. No new matter is added.

I. Telephone Interview with the Examiner

Applicants appreciate the courtesies extended to Applicants' representative during the August 11, 2003 telephonic interview. During the interview, Applicants' representative and Examiner Pokrzywa agreed that the amendments to claims 1 and 10 distinguish over the applied references.

II. Withdrawal of Appeal

Applicants hereby withdraw the Appeal of the Final Rejection of the claims by the submission of this Request for Continued Examination under 37 C.F.R. §1.114 as this request is filed after the filing of Notice of Appeal to the Board of Patent Appeals and Interferences, but prior to a decision on the Appeal.

III. Rejection Under 35 U.S.C. §103

Claims 1-22 stand rejected under 35 U.S.C. §103(a) as unpatentable over U.S. Patent No. 6,289,364 to Borg et al. ("Borg"). The rejection is respectfully traversed.

As discussed and agreed with Examiner Pokrzywa during the August 11, 2003 telephonic interview, the amendments to independent claims 1 and 10 distinguish over the applied reference of Borg. Specifically, it is agreed that Borg does not disclose a method or processing image data of a color image for marking, the color image containing overmarked pixels where at least one first color is to be overmarked by a second color, the method comprising *inter alia*, performing raster image processing to create a raster image of the color image, the raster image processing including overmarking processing that allows both the at least one first color and the second color to be separately included in the overmarked pixels of

the same raster image, as recited in claim 1, or a system that processes the image data of a color image for marking, as recited in claim 10.

The Final Rejection admits that Borg does not disclose that the first and second colors are included in the same raster image, but alleges that it would have been obvious to one skilled in the art at the time the invention was made to consider the output of the raster image processor, a raster image that allows both the at least one first color and the second color to be included in the same raster image since the raster image processor produces a blended image which includes a combination of the foreground and background colors.

Appellants assert that the rejected claims do not recite that the first and second colors are included in the same raster image, but rather recites that "the at least one first color and the second color to be separately included in the overmarked pixels in the same raster image". Thus, Borg does not disclose or suggest the feature recited in the claims, but rather merely produces a blended image, i.e., an image having a third color from a combination of a foreground color and a background color to create the appearance of translucency.

The object's transparency is implemented through a technique known as blending. Blending involves combining a foreground color, associated with a foreground graphical object, and a background color associated with a background graphical object, to create a third color (col. 1, lines 23-33). Accordingly, Applicants respectfully request the rejection of claims 1-22 under 35 U.S.C. §103(a) be withdrawn.

Claims 6-9 and 15-18 are rejected under 35 U.S.C. §103(a) as unpatentable over Borg as applied to claims 1 and 10, and further in view of U.S. Patent No. 5,075,787 to Shaughnessy et al. ("Shaughnessy"). The rejection is respectfully traversed.


Applicants assert that claims 6-9 and 15-18 are allowable for at least their dependency on the respective base claims for the reasons discussed above, as well as for the additional features recited therein.

IV. Conclusion

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claim 1-22 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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